

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICHAEL ALEXANDER FRIEDMANN,

Plaintiff,

v.

THE STATE OF WASHINGTON, et al.,

Defendants.

Case No. 09-5761RJB

ORDER ON PLAINTIFF'S  
MOTION TO BIFURCATE

This matter comes before the Court on Plaintiff's Motion Bifurcate and Proceed with Separate Trials (Dkt. 41). The Court has considered the relevant documents and the remainder of the file herein.

**I. BACKGROUND**

On December 23, 2009, the Plaintiff filed a complaint against the Defendants alleging numerous causes of action, including false arrest, false imprisonment, violations of 42 U.S.C. § 1983, and negligence. Dkt. 3. On February 17, 2010, the Plaintiff filed a motion to bifurcate the case into seventeen (17) different trials. Dkt. 41.

**II. DISCUSSION**

The court may order a separate trial "for convenience, to avoid prejudice, or to expedite and economize." Fed.R.Civ.P. 42(b). Plaintiff argues that the Defendants would be prejudiced because some of the actions by some Defendants were more heinous than others. Dkt. 41, p. 3. Plaintiff also reasons that it would "minimize the pages within the motions prepared and filed" if

1 the trial proceeded separately. Dkt. 41, p. 4.

2 Plaintiff cites several cases in support of his argument. However, most of the cases stated  
3 stand for the proposition that the phases of a trial should be separated, not the parties. The cases  
4 cited by Plaintiff separate the liability and damages phases of a trial. The Plaintiff is not asking  
5 for this Court to separate liability and damages phases, but to proceed with seventeen (17)  
6 different trials involving the same corpus of facts and issues in each. Proceeding in such a  
7 manner is not prudent, wastes judicial resources, and multiplies litigation unreasonably.  
8 Proceeding with seventeen different trials based on the same set of facts and issues presents a  
9 risk of multiple, inconsistent results. Additionally, it would be a strain on judicial resources.  
10 Finally, the Plaintiff has not made an adequate showing that the Defendants would be prejudiced  
11 if they proceeded in one action. The Defendants state they would not be prejudiced if they  
12 proceeded in one action. Dkt. 48, p. 2. Plaintiff's argument that Defendants would be  
13 prejudiced is unsupported at this stage of litigation. For the foregoing reasons, the Plaintiff's  
14 motion to bifurcate should be denied.

### 15 III. ORDER

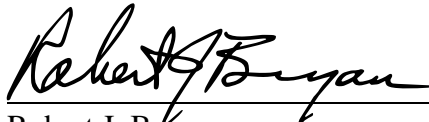
16 The Court does hereby find and ORDER:

17 (1) Plaintiff's Motion to Bifurcate and Proceed with Separate Trials (Dkt. 41) is

18 **DENIED**; and

19 (2) The Clerk is directed to send uncertified copies of this Order to all counsel of record  
20 and to any party appearing *pro se* at said party's last known address.

21 DATED this 15<sup>th</sup> day of March, 2010.

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24 Robert J. Bryan  
25 United States District Judge  
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